

HUBR 1186 (10102735)REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Independent claim 33 has been amended to incorporate "to a patient in need of bone or cartilage treatment or repair." It is believed that this change overcomes the 35 U.S.C. 102(b) rejection, by distinguishing the instant claim over the cited prior art. In particular, Bogdahn's disclosure is limited to the teaching that MIA can be used to treat cancer patients. In contrast, the instant claim discloses the "treating or repairing at least one of bone or cartilage in a patient comprising administering to a patient in need of bone or cartilage treatment or repair." The instant claim's disclosure does not necessarily flow from Bogdahn's teaching that MIA can be used to treat cancer patients, and, thus, is not an inherent characteristic in view of Bogdahn.

Additionally, claim 34 has been objected to as being dependent upon a rejected base claim, claim 33. With respect to the objected to claim, as per Examiner's suggestion, claim 34 has been cancelled and has been rewritten in independent form in new claim 38 to include all of the limitations of claim 33. Thus, it is believed that this change overcomes the objection to claim 34.

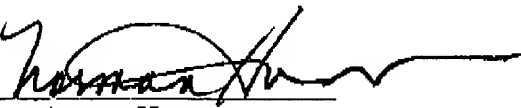
It is, therefore, believed that these claims and their dependent claims are allowable.

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In view of the foregoing, withdrawal of all rejections and allowance of this application are respectfully requested.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By   
Norman Hanson  
Reg. No. 30,946

666 Fifth Avenue  
New York, NY 10103  
(212) 318-3148  
Enclosure